

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Vlad Hikin,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

(ECP)

Case 14-06-018

(Filed June 23, 2014)

Vlad Hikin, for himself, Complainant.
Prabha Cadambi for Southern California
Edison Company, Defendant.

**DECISION GRANTING RELIEF IN PART AND OTHERWISE
DENYING COMPLAINT****Summary**

Complainant, Vlad Hikin, requests that the Defendant, Southern California Edison Company (SCE), be required to reconnect electricity to the service property located at 1700 South K Street in Tulare, California. Complainant asserts that SCE refused to reconnect electricity via a new meter panel that he had installed because the new panel did not have safety test blocks, a feature that SCE states is required for all installations of this type.¹ According to the

¹ Meter bypass jumpers, also referred to as safety test blocks or a safety socket box, allow SCE personnel to work on a customer's meter without disconnecting power to the premises.

Complainant, SCE did not inform him of this requirement until after he had installed a meter panel that did not include this feature. Complainant asserts that this feature is not required for this building, because the power to its tenants could be interrupted whenever SCE needed to do so in order to test the meters. Therefore Complainant requests that SCE be ordered to reconnect power and that the requirement for safety test blocks not be enforced.

SCE answers that it has certain requirements for meter panels at commercial premises of this nature, including safety test blocks, and they cannot be waived. SCE states that Complainant failed to comply with the requirements for installing appropriate equipment as itemized in SCE's Electric Service Requirements (ESR) manual, so the relief requested by Complainant should be denied and this Complaint should be dismissed.

We have determined that SCE adequately attempted to communicate its requirements to the Complainant prior to any installation, including the need to receive approval from SCE before any installation, but without success. Complainant must install equipment that is compliant with SCE's requirements, and those requirements include a meter panel with meter bypass jumpers. The meter panel installed by the Complainant must be replaced with equipment that meets all the requirements specified in SCE's ESR.

On September 4, 2014, the assigned Administrative Law Judge (ALJ) issued a ruling directing SCE to immediately reconnect service to the premises owned by Complainant at the service address in order to enable him to activate security systems at the premises, using the panel equipment which was replaced following the fire at the premises, and which, according to the Complainant, had been inspected and cleared by a City of Tulare Building Inspector. We confirm that ruling here. Complainant is entitled to restoration of service for a period of

time reasonably long enough to allow for installation of equipment that meets all of SCE's requirements. We believe 30 days from the date of this decision is adequate. After this period of time, SCE shall enforce its requirements, rules and tariffs, and shall disconnect the electricity to the premises if the installation is not in compliance with these requirements.

This case is closed.

1. Complainant's Contention

Complainant owns a commercial building located at 1700 South K Street in Tulare, California. In mid-April of this year a fire occurred at the property, causing damage to the electric meter panel. On April 25, 2014, SCE personnel visited the property at Complainant's request. Complainant states that SCE advised him to replace the fire-damaged meter panel with a new panel. Sometime between this date and May 15, 2014, the Complainant installed a new panel. According to the Complainant, that panel was inspected and approved by the City of Tulare Building Inspector. However, on or about May 15, 2014, a dispute arose between Complainant and SCE personnel over whether SCE would restore service on that date. SCE refused, stating that the equipment installed by the Complainant did not have meter bypass jumpers, and that such a feature was a required element of a commercial meter panel. Complainant asserts that this feature is not required, because the type of tenants who would rent space in this building could withstand a service interruption anytime SCE needed to work on the panel. An impasse ensued.

Complainant further asserts that SCE is retaliating against him for his complaints regarding SCE's "illegal activity" at a different building, located in Palmdale, California.

2. Defendant's Contention

In its Answer, SCE provided additional detail regarding its communications with Complainant. SCE agrees that it was contacted on or about April 25, 2014 to request restoration of electric service at the service property, and that an SCE employee (the Planner) visited Complainant's service property on or about April 25, 2014 to inspect the panel damage. SCE states that after the site visit, the Planner returned to his office, called the customer on the telephone and followed up with an e-mail note to the Complainant with SCE's specification for the panel and other related requirements necessary before SCE could restore electric service to the service property, including information regarding SCE's requirements for compliance with its ESR for replacing the panel. On April 28, 2014 an additional telephone conversation and follow-up e-mail exchange took place between SCE and the Complainant. Finally, SCE agrees that Complainant contacted SCE on or about May 15, 2014 to arrange for restoration of electric service. SCE employees visited the service property that day and advised Complainant that he did not have the proper panel equipment installed to allow them to restore his electric service. SCE denies that any action it has taken with respect to Complainant is in retaliation to any complaint made by Complainant. SCE denies any "illegal activity" on its part. SCE asserts that its primary obligation is to ensure that it provides safe and reliable service to its customers and that the equipment installed should meet certain required specifications before electric service can be restored, in accordance with SCE's Tariff Rule 16, and detailed service requirements located in the ESR.

In short, SCE argues that it has fully complied with the terms of its Commission-approved tariffs and that the Complainant's request for relief should be denied.

3. Discussion

Complainant and SCE agree on the timeline of events in this dispute. As summarized above, the Complainant and SCE agree that a site visit took place on April 25, 2014, followed by further communications via telephone and e-mail on April 28, 2014, and additional telephone conversations on May 15, 2014 and “shortly thereafter”, another site visit. This case centers on the question of whether SCE adequately explained all of its requirements to the Complainant before the Complainant replaced the damaged meter panel.

As emerged during the hearing in this case, a review of the material provided to the Complainant by SCE illustrates that SCE did adequately inform the Complainant of its requirements, so SCE cannot be blamed for the Complainant’s decision to install the non-compliant meter panel. As noted above, the key communications took place between the Complainant and SCE on April 25, 2014 and April 28, 2014. In each instance, SCE followed up a phone conversation with a confirming e-mail. The assigned ALJ requested copies of these e-mails, and SCE provided the material at the hearing in this proceeding.

The April 25, 2014 e-mail shows that an SCE employee informed the Complainant that SCE would need to approve a work order drawing that included four bulleted requirements, and requested that Complainant forward a copy of the Electric Utility Service Equipment Requirements Committee (EUSERC) drawings for the equipment type to be installed, “for written approval by SCE.”²

² According to its website (www.euserc.com) “EUSERC develops and promotes safe uniform electric service equipment requirements among member utilities... The purpose of the organization is to promote uniform electric service requirements among the member utilities,

Footnote continued on next page

The April 28, 2014 e-mail consists of an exchange between the Complainant and the SCE employee. The Complainant identifies the meter panel product he has selected, and asks SCE if it is okay. SCE responds, requesting “a EUSERC cutsheet that includes the appropriate EUSERC number for this panel”; SCE attaches a sample of the requested material, and further states that SCE “will need to know... the estimated load for this location” before SCE will approve a 600 amp panel.

These e-mails show that SCE attempted to communicate its requirements to the Complainant prior to any installation, including the need to receive approval from SCE before any installation, but without success. While there is some element in these e-mails (confirmed in the Complaint itself and SCE’s Answer) of each side “talking past” the other, when taken together it is clear that SCE made a good-faith effort to help the Complainant select and install a compliant meter panel. Unfortunately, sometime between April 28 and May 15, 2014, the Complainant installed a meter panel that did not meet the requirements established in SCE’s ESR. A review of SCE’s Rule 16 and the ESR itself confirms that it is indisputable that Complainant must install equipment that is compliant with SCE’s requirements, and those requirements include a meter panel with meter bypass jumpers. Complainant is understandably frustrated at what he sees as SCE’s belated insistence that he must replace the equipment he installed with new, compliant equipment, but SCE was sufficiently clear about what was required before any installation took place. Furthermore, we cannot conceive of a scenario where we would waive such a requirement, because to do so would

publish existing utility service requirements for electric service equipment and provide direction for development of future metering technology.”

place SCE personnel at risk of injury whenever they worked on the meters at this location. The meter panel installed by the Complainant must be replaced with equipment that meets all the requirements specified in SCE's ESR.

4. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Stephen C. Roscow is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company (SCE) shall restore electric service to the building located at 1700 South K Street in Tulare, California for a period not to exceed 30 days from the date of this decision, in order to allow for installation of a meter panel and any associated equipment that meets all of SCE's requirements. After this period of time, SCE shall enforce its requirements, rules and tariffs, and shall disconnect the electricity to the premises if the installation is not in compliance with these requirements.
2. All other requests for relief are denied.
3. Case 14-06-018 is closed.

This order is effective today.

Dated _____, at San Francisco, California.